

EXHIBIT

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APPENDIX A: Summary Categories of Documents Protected by the Law Enforcement Privilege, Attorney-Client Communication, Attorney Work-Product, Deliberative Process and/or Public Interest Privilege

#	Document Type ¹	Document Description	Law Enforcement	A/C Comm'n	Work Product	Deliberative Process	Public Interest
1	Internal OAG Investigative Files Concerning Trooper 1 during the Relevant Time Period (March 1, 2021 to August 3, 2021).	Emails among and between OAG Attorneys (which includes Special Deputies and Special Assistants ²) regarding investigative process and materials; OAG Attorneys' notes concerning meetings, interviews, and/or communication with witnesses and/or their attorneys; memoranda prepared by OAG Attorneys; subpoenas prepared by OAG Attorneys; chronologies prepared by OAG Attorneys; drafts of weekly reports prepared by OAG Attorneys, including drafts of the Investigation Report and Appendices.	X	X	X	X	X
2	Communications between OAG Counsel and OAG Executive Division Clients Concerning Trooper 1 during the Relevant Time Period	Weekly reports prepared by OAG Attorneys.	X	X	X	X	X
3	Communications with Other Government Agencies Concerning Trooper 1 during the Relevant Time Period	Emails (if any) between OAG Attorneys and counsel for NY Legislature concerning investigation and findings; emails (if any) between OAG Attorneys and counsel for District Attorney's Offices concerning investigation and findings; emails (if any) between OAG Attorneys and counsel for the Joint Commission on Public Ethics concerning investigation and findings.	X				X

APPENDIX A: Summary Categories of Documents Protected by the Law Enforcement Privilege, Attorney-Client Communication, Attorney Work-Product, Deliberative Process and/or Public Interest Privilege

¹ Documents in these categories that are unrelated to Trooper 1 are not relevant to the claims or defenses raised in the action in the first instance and therefore do not need to be logged. 99 Wall Dev. Inc. v. Allied World Specialty Ins. Co., No. 18-CV-126 (RA) (KHP), 2019 WL 2482356, at *2 (S.D.N.Y. June 14, 2019) (“If a document is not relevant, the Court need not address whether the document is privileged.”). However, to the extent the Court subsequently determines some documents within these categories that are unrelated to Trooper 1 are relevant and responsive, they would nevertheless be protected from disclosure pursuant to the same privileges set forth on this log.

² The Special Deputies and Special Assistants appointed pursuant to the referral under Executive Law § 63(8) are identified on p.14 and in footnote 76 in the Report of Investigation Into Allegations Of Sexual Harassment By Governor Andrew M. Cuomo, published August 3, 202, available on the OAG website https://ag.ny.gov/sites/default/files/2021.08.03_nyag_-investigative_report.pdf.